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C.C.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : John M. Stropki, Jr., et al.
TITLE : EXTENSION LIFT TRUCK
MODIFICATION
APPLICATION NO. : 10/815,536
FILED : April 1, 2004
CONFIRMATION NO. : 1570
EXAMINER : K. P. Kerns
ART UNIT : 1725
LAST OFFICE ACTION : August 24, 2006
ATTORNEY DOCKET NO. : LEEE 2 00358

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed August 24, 2006 finally rejecting claims 44-47 and 50.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

other than a small entity \$500.00

3. **EXTENSION OF TERM**

Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a -month extension of time up to and including in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

TOTAL FEES DUE

The total fee due is:

Notice of Appeal Fee:	<u>\$500.00</u>
Extension of Time Fee:	<u>\$0.00</u>

4. **METHOD OF PAYMENT**

The fees indicated above are authorized to be charged to a credit card.

If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

11/13/06

Date


John S. Zanghi, Reg. No. 48,843
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Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.

Express Mail Label No.:	Signature: <u>Elaine M. Checovich</u>
Date: <u>11-13-06</u>	Name: Elaine M. Checovich